



CITY OF MORGAN HILL

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PLANNING COMMISSION MINUTES

REGULAR MEETING

SEPTEMBER 26, 2000

PRESENT: Kennett, Lyle, McMahon, Mueller, Pinion, Ridner

ABSENT: Sullivan

LATE: None

STAFF: Planning Manager (PM) Rowe, Senior Engineer (SE) Creer, City Attorney CA Leichter, and Minutes Clerk Johnson.

REGULAR MEETING

Chair Kennett called the meeting to order at 7:03 p.m.

DECLARATION - POSTING OF AGENDA

Minutes Clerk Johnson certified that this meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

The Chair invited Mayor Dennis Kennedy to lead the flag salute.

PUBLIC COMMENTS

Chair Kennett opened the floor to public comments.

There being none, Chair Kennett closed the public comments.

MINUTES

SEPTEMBER 12,
2000

BY CONSENSUS, COMMISSIONERS REQUESTED THE MINUTES CLERK TO REVIEW THE RECORDINGS AND VIDEO OF THE SEPTEMBER 12, 2000 MEETING TO ASCERTAIN WHETHER, IN THE COURSE OF THE PROCEEDINGS, A MOTION HAD BEEN MADE BUT NOT PASSED; AND DIRECTED IF THIS WERE SO, TO CORRECT ANY INADVERTENTLY OMITTED MINUTES, INFORMING THE COMMISSIONERS IN AND AT THE NEXT REGULARLY SCHEDULED MEETING.

WRITING

OLD BUSINESS:

**1. ZA-00-09:
ST. LOUISE-
SAN JOSE
CHRISTIAN
COLLEGE**

A request to amend the precise development plan under a PUD, Planned Unit Development District to allow the former St. Louise Hospital to be converted to a private college. The proposed zone amendment would only allow reuse of the existing hospital and office buildings. Maximum enrollment would be limited to 400 students. Project site is located at 18500 Saint Louise Drive, south of Cochrane Road east of Highway 101.

PM Rowe presented the staff report, noting that based on the findings of the Initial Study, the proposed project will not have a significant effect on the environment, therefore, if the Commissioners chose, a Negative Declaration of Environmental Impact would be in order. He also addressed mitigation measures, noting that prior to issuance of a certificate of occupancy for the change of use, the applicant shall install a traffic signal at the intersection of Cochrane Road and Mission View Drive. He also explained the limited use of the property to a maximum enrollment of 400 students within the existing 132,550 square foot facility. PM Rowe stated that any expansion beyond the use of existing buildings or increase in enrollment beyond 400 students would require City Council approval.

PM Rowe also presented results of two traffic studies: Fehr & Peers Associates, Inc. and Higgins Associates, Civil & Traffic Engineers. Also included in the report were copies of letters, petitions, and other data relating to the proposal which had been received by the City of Morgan Hill Planning Department.

At the conclusion of the report, PM Rowe answered questions from the Commissioners.

Considering the Staff report, Commissioner Lyle asked if a traffic signal at Cochrane Road/Mission View Drive is already warranted and if so, would it be part of the mitigation requirement and if the College would be expected to pay all or part of the cost? PM Rowe responded that the projection was for a definite need for the traffic signal, and that the College would be obligated to pay all the cost for it. Commissioner Lyle also called attention to information on page 5 of the traffic report, asking whether the information reflected medical clinics versus a full service hospital, and would outpatient services be part of the traffic count? PM Rowe replied that it was possible that traffic counts for a medical clinic which serves the area for outpatient services would be basically the same as for a full service hospital. Commissioner Lyle also asked if the payment scale for impact fees would be different for the College than for a hospital? He stated there is a need to look at exactly what the impacts of an operation such as the College would be in relation to increased usage of parks, roads, parking and other services. He noted a letter had been received from immediate neighbors of the proposed project which expressed concern as to the possible increased usage of the neighborhood park, in particular, on which local homeowners are taxed to provide service. PM Rowe stated that commercial properties are not usually assessed impact fees; that residential properties which generally add users to fixed facilities are counted as impacts, whereas commercial properties do not increase usage as they do not add population per se.

Commissioner Mueller stated that caution should be exercised in order to ensure that

current residents are not paying for new services used heavily by others.

Commissioner Pinion asked if property this size is routinely put under a PUD (Planned Unit Development)? He also expressed concern that if the numbers that are reflected in the Staff and traffic reports are accurate, why not deal with potential development in total now? He said a real curiosity is if this zoning request is approved, can the College be held to the plans they have not set in concrete but just hinted at? PM Rowe stated that the application had been submitted as part of the provision of selling the College's currently-owned property in San Jose. He indicated that the Staff had been told that the College would look at all the options for best and highest use of the property in Morgan Hill and the needs of the students in developing the property. PM Rowe further stated the Staff has cautioned the applicant that it is best to present a full plan for development.

Commission Mueller said he believed a copy of any objectives from the City Council for proposed medical services provision should be reviewed before further discussion about development takes place. He also noted that the City Council had appointed a "Blue Ribbon Task Force" to study possible issues surrounding the health care concerns of the community, particularly medical services provision, as well as possible other potential uses of the property. He believes it would be helpful to have the report from this Task Force (which is due to the Council in December) to take into consideration in making a decision.

Chair Kennett opened the hearing to public comments, giving explanation of time limits of speakers, due to the high level of interest and the large number of speakers anticipated.

Dr. Bryce Jessup, 6188 Lean Ave., San Jose; President of San Jose Christian College (SJCC), gave an overview of the reasons for the proposed use of the property, the search for a new site and a profile of the students who are enrolled in the College. He indicated his belief that the uses proposed represent an ideal fit with the community and good use of the facilities. In speaking of the search for a new site, he mentioned this was the nineteenth attempt to buy property and move from the present location. He asked students to present each member of the Commission with petitions containing 2408 signatures in support of the proposal, indicating that all but 400 of the signers are local residents. In closing, he reiterated that the proposal fits the City's General Plan perfectly.

Gerry DeYoung of Ruth and Going, Inc., 2216 The Alameda, Santa Clara, indicated he is a planner who has been working with the College. He stated he could address the issues of traffic as one who had helped with the traffic study commissioned by the College. In response to issues voiced by Commissioner Pinion who asked DeYoung to identify some of the future issues of development, e.g., sports complex, parking, etc., he replied that tonight he was trying to quell concerns of traffic and parking in the study. DeYoung said he believes that in developing all future use possibilities, the College Administration will address those qualms. Commissioner Pinion commented that the hospital had provided for future expansion plans in their requests to the Commission and he believes the College should do likewise.

Joe Womack, 609 S. 12th St.; San Jose, who is Director of Student Development at SJCC, provided the Commission with a profile of students enrolled at the College. He also provided arguments against "What will the College bring to the City?" concerns which had

been voiced in neighborhood meetings. He said that in addition to fiscal benefit, the College will bring students who care about making the area, and particularly the neighborhood, better.

Commissioner Pinion asked that if the request is approved, does the College plan on changing the name? He also asked if the College plans to provide recreational facilities for the students. Womack responded that the name would remain the same during the transitional move then consideration would be given to a change. Womack further stated that an enhanced athletic program would not be immediately in place following the relocation, but when facilities were built, they would be "first class".

Commissioner Pinion asked if the College currently has an athletic program and what the facilities consist of? Womack replied that currently there are limited programs for men and women and there is a gym with no outdoor facilities; therefore, there are only indoor sports programs available. He said there have been on-going discussions with other facilities and institutions in the area for use of their facilities for possible expansion of the College athletic programs.

Dr. Roger Edrington, Executive Vice President of SJCC, who resides at 9965 Old Santa Cruz Highway, Los Gatos, spoke to the Commission regarding the academic programs. In response to a question by Commissioner Lyle, he explained that the program included classes generally three nights a week which begin at either/or 6:00 and 7:00 p.m. and have an enrollment of about 60 - 80 students maximum, noting the actual enrollment numbers can vary. He said the degree completion program in San Jose would be split between the proposed campus in Morgan Hill and independent study programs at various satellite campus locations in the San Jose area.

The Commissioners questioned the studies of the student count as presented, asking the specific number of students proposed to be enrolled in Morgan Hill. Dr. Edrington explained "full time equivalent" numbers of students, specifying how those numbers are derived based on standard statistical data with projections of future enrollment reliant on historical enrollment data. Dr. Edrington stated that students would come to the campus at Morgan Hill at different times of the day, citing the variety of times classes are scheduled for enrollment. He also indicated that even though the students would attend classes at differing hours, the traffic volume would not increase.

Commissioner Mueller asked Dr. Edrington to address the projections of student traffic use and parking needs, citing figures presented to the Commissioners in the authorized reports. Commissioner Mueller pointed out that the numbers do not appear to be consistent in the projections of numbers of students and the potential for increased traffic and required parking the anticipated numbers of students and the staff that would be required. Dr. Edrington spoke on the methodology of student count and how full and half-time faculty is counted.

Commissioner Lyle stated there is a need to probe usage of traffic patterns and parking issues.

Commissioner McMahon asked who will live on the campus, the numbers of faculty who

would be in residence, and if residence halls would be provided and who would direct those halls if they were available? Dr. Edrington said resident halls were planned, and three to five families would be assigned as residence hall directors. He said there would be approximately 90 faculty and staff at the very most and some would live in the City and others would probably commute.

Commissioner Lyle said he could find no indication in the traffic studies of faculty-staff generated traffic.

Commissioner Ridner stated that he believed staff issues were addressed by both the traffic studies completed by the Consultants and presented to the Commissioners.

PM Rowe said both reports are in agreement as to the results in the area of proposed staffing. He called attention to the first paragraph of the Higgins report, which the City had ordered.

Commissioner Lyle pointed out that the table presented in the report does not reflect the language of that paragraph. He questioned whether the factor of 2.38 is used for the faculty-staff ratio of generated traffic? PM Rowe replied that was true.

Commissioner Lyle asked if the College proposed to provide meals for the students? Dr. Edrington replied this was the plan. He also indicated there was not plan for individual meal preparation, but congregate meals would be available. Commissioner McMahon asked if meals would be available for commuters? Dr. Edrington again replied this was the plan, that a cafeteria would be available and that many students bring their lunches.

Commissioner Lyle asked if there was a plan for the students living in the dorms to bring cars? Dr. Edrington replied it was expected that 60% of the students living on campus would bring cars.

Commissioner Pinion asked what the peak number of staff would be at any one time. Dr. Edrington said currently there are about 39 staff now, and there is a projection for 50 - 60 total in the future. He said he did not anticipate an increase in the number of cars used, as many of the staff would car pool to the new campus, and some would buy homes in Morgan Hill.

Commissioner Pinion asked if the College is accredited? Dr. Kay Llovio (no address given) replied, that they are accredited under the Bible College affiliation and are in the process of applying through WASC (Western Association of Schools and Colleges), which is a six-year process. She continued by stating that the College has the same status as CSUMonterey Bay, in that it has been two years since they each have applied for accreditation through WASC. Dr. Llovio then read a letter from WASC confirming the College's application for accreditation.

DeYoung offered to try to clear up issues surrounding the traffic studies. He noted that such studies are an art, not a science, and that low assumptions for one entity are offset by high numbers for a contrasting entity. He indicated this was what the Higgins study attempted to explain. He described methodologies used for traffic studies, noting that

standard statistical data and interpretation was gathered from information published by the Traffic Institute. He further discussed the fluidity in numbers regarding trips to and from the school by students.

Commissioner Lyle stated he is just trying to ascertain the accuracy of the numbers in the chart (table) and the report. He asked if the hospital numbers presented are low? He noted the peak numbers seemed surprisingly low. DeYoung responded that the numbers are based on standardized studies from the Traffic Institute, and that actual numbers could only be achieved by on-site counts. Commissioner Lyle also asked if there would be a problem with restricting student parking to use of lots off St. Louise Drive rather than Mission Ranch Road? PM Rowe indicated there were 428 parking spots at that location.

The issue of the continuing operation of the Cancer Center was raised. Commissioners asked if, in gathering data of peak time, actual trips the Cancer Center had been excluded? PM Rowe said that had been true of the Higgins report as the Center is still in operation. DeYoung indicated the same of the report he studied from Fehr & Peers. Commissioner Lyle wondered if this might make less difference in the peak traffic numbers than is shown in the reports.

Donna Barmore, 17390 Carriage Way, spoke in favor of the proposal, stating that the community will welcome the school, and that she expects cooperation with companies coming to the area. She said the College would be a tremendous asset.

Jack Gratteau, 17147 Tassahara Circle, spoke of the need to preserve the hospital, citing the value of the facility and the infrastructure already in place, not only the roads, but the engineering and physical plant as well. He questioned issues surrounding the reflective values of the area.

Michael Burchfield, P.O. Box 2604, identified himself as the pastor of a local Church, and said he and the congregation supported the proposal, urging the commission to take a "pro-active stance".

Gavin Paprile, 19078 Cheyenne Ct., President of a Homeowners Association in the neighborhood, spoke in opposition to the proposal. He targeted traffic issues as a concern, particularly in the Peet Road - Cochrane Rd. areas at specific times. He spoke of the primary care medical community locating to other areas, leaving local residents vulnerable. He also said he was concerned about the agreement Catholic Healthcare and the College had signed regarding the prohibition of the use of the site for medical facilities. Commissioner Mueller asked what time of day Paprile was referring to? Paprile replied he had referenced morning times initially, usually 7:30 - 8:00 a.m., but the problems were now occurring throughout the day.

Chair Kennett commented that she encountered traffic waits at Cochrane last Monday which lasted 45 minutes.

Charles Toeniskoetter of TBI, 1960 The Alameda, San Jose, spoke in favor of the proposal, noting he was a developer who viewed this as an opportunity to bring lost business to the City. He spoke of the importance of having balance provided: business,

residential, family. He said his association was years long with the closed St. Louise Hospital; that he had been part of continuing efforts to solve that institutions fiscal problems; and knew the closure had been a painful experience for the City of Morgan Hill. He stated the College is a good replacement for the hospital, that their request for location here was a rare opportunity, and that it would be great for the community.

David Gonzalez, 18302 Solano Ct. reported he is on the police force in San Jose. He is opposed to the relocation of the College. He stated he moved to Morgan Hill because of the quiet, non-congested area. He spoke of the need for active “release” by the students, believing the gym will bring in other people. He would support a different operator to reopen the hospital, stating that if there is a medical emergency with his family, he wants to be assured of a hospital nearby.

Bob Engles, 385 W. Dunne, said, “The market spoke to us. Our little berg can’t support a full-service hospital.” He stated that there was a good buyer for the building and grounds and the “City needs to get on with it”. He called attention to the news article in the local paper this date regarding a potential investigation by the Attorney General’s office saying “involvement by that Office is not going to happen”. He stated there is a need by local government to deal with other issues of the town and forget the hospital.

Melanie Bonagofski, 18441 Carmelo Ct. in Mission Ranch Subdivision reported on the (private) car counting she is involved with. Reporting the 7:00 - 7:30 a.m. as “light” she indicated turning at Mission Ranch Road is difficult; she said that because of the volume of traffic, drivers “can’t get by”. She indicated her concerns are with the current traffic problems and said that in her observation one car tried to make a U-turn and couldn’t. She stated that she lives one mile from her place of employment and it takes her 15 minutes to reach work; a co-worker lives 5.9 miles from the work and it takes that person 40 minutes to commute each way. Another concern is that the College is requesting permission for a facility without identifying future plans. She has attended neighborhood meetings with the College and residents in her area; she believes that firm answers are needed from the College before permission for continuing with the request.

Eldon Ewing, 16700 Wildoah Way, said he is a local businessman. He read a letter from Pat Geisinger, of the Intel Corporation in which support for the College was emphasized. Ewing also indicated his support for the project.

Morgan Gay, 2995 Moorpark Dr., San Jose, representing the Healthcare Workers Local (an employee group) stated opposition to the proposal, citing two concerns: 1) the community needs available healthcare and 2) a non-profit must be held accountable. He spoke of the deed restrictions in the sale of the property which prohibit provision of medical service at the site for 10 years. He urged opposition by the Commission, saying he believes the action by Catholic Healthcare can be reversed.

Charles Youngkin, 14965 Citation Ct., introduced himself as Pastor of a Bible Church. He supports the College’s proposal. He feels sad the “hospital didn’t make it”, is hopeful of an alternative. He spoke of the mission of the College.

Zsolt Holmos, 18313 Solano Ct., who was also representing Zoltan Meszaros, addressed

The Commission, indicating his belief that the proposal presented a stark contrast to the existing neighborhood ideals. He spoke of “student transients” and the current campus as not being a desirable neighborhood. He is concerned about student housing and the effects on the neighborhood where he lives, particularly on parking issues. He does not believe the school will bring any benefits nor business to the City; he said there would be no jobs brought in for local residents. If the rezoning is granted, he fears student enrollment will rise and events increase, which would increase parking and traffic problems in the area. He spoke of the existing healthcare infrastructure and its value.

Bob Engles asked for a point of order on speaker’s time, and Chair Kennett reiterated the information presented at the beginning of the meeting.

Dr. Earl Nordby, 795 Mendicino Way, indicated he is Administrator of South Valley Christian School, which is not connected to the College. He supports the proposal, recommending affirmative votes by the Commissioners.

Tracy Holmes, 18313 Solano Ct., strongly opposes the proposal. She stated the neighborhood of Mission Ranch has over 50 children under 10 years of age and the potential for traffic increase is a concern. She stated the handicapped and elderly in Morgan Hill need a local medical facility to meet the needs here.

Melissa Dean, 1488 Santa Ines Way, believes the College would be an asset to the community, stating that others in her neighborhood feel the same as she. She said a hospital can’t thrive in a Town this size.

Jerry Vinciguerra, 18395 Capistrano, stated Roxanne Vinciguerra deferred time to him for speaking. He said he is a representative of the Homeowner’s Association at Mission Ranch and his concerns are the same as voiced at a prior meeting. The Homeowner’s Association is opposed to the proposal and presented a petition at the last meeting. He said that after Catholic Healthcare sold the hospital, there are concerns of facing no reliable healthcare in the area. He indicated traffic concerns, saying there is very heavy traffic at present and increased population will bring increased traffic. He cited a safety issue of school kids waiting for the bus. He wondered about retention of quality of life and property values in the neighborhood. He indicated that under the current rules, building in the City would be limited as a result of the increased population from the College’s enrollment, and that there would be a loss of tax dollars to the City. He indicated one of the biggest concerns the Homeowner’s Association at Mission Ranch have is “We don’t know how big the College will grow at their new location.” Mr. Vinciguerra said the Homeowner’s Association would like to see firm plans proposed for the College’s growth, including plans for 1) a gym which would accommodate 500 - 600 students 2) the sports complex 3) dorms. He also said there had been a proposed senior housing complex at the site which would now be eliminated. He said he and the Homeowner’s Association at Mission Ranch were afraid there were too many unanswered questions.

Susan Turner, 18352 Solano Court, said she was addressing the Commission as a Nurse Practitioner and a local resident. She said, “A hospital isn’t going to happen, so now the City should look for a good neighbor for the area.” She said the building had been stripped bare and was no longer feasible for use as a healthcare facility. She said traffic is a

consideration, but is inevitable. She said the medical community has left, moved to other areas. She asked the Commission to say “Yes” to the request of the College.

Rudy Gonzalves, 15300 Calle Enrique, told the Commissioners he is a public interest Attorney and a member of the Morgan Hill Task Force on Community Health Care (the aforementioned “Blue Ribbon Task Force”). He indicated that the Planning Commission doesn’t have information needed to make a decision. He believes the study proposed by the Attorney General’s office is important. He remarked that the Task Force needs to have sound information and so does the Planning Commission, but said, “It is not here tonight.”

Cameron Caruthers, 1952 Elden Drive, San Jose, is the Controller of SJCC. He read a letter from Thomas Kincaid to Commissioner Sullivan in which support for the proposal was registered. As read, the letter indicated the College will be an asset not a liability to the City. The letter indicated the possibility of an Art College and Museum in connection with the College. The letter urged support for the proposal. Caruthers indicated Kincaid has been given the title of “Painter of Light” saying this would reflect on the work done at and by the College.

Dr. Rajesh Frasad, MD, of 1220 Appian Way, urged the Commissioners to deny the change of zoning. He gave a brief history of attempts to purchase the property by local medical providers, saying Catholic Healthcare refused to work with the local medical community. He believes the property should be zoned as a hospital.

Cristin Enders, 804 S. 12th St., San Jose, told the Commissioners she is President of the Student Body at SJCC. She read two letters from current neighbors in the Naglee area; both letters indicated SJCC students are good neighbors. Enders said students had talked with people in the Morgan Hill area who were excited about having SJCC as a neighbor.

Jude T. Roussere, 355 Woodview, who told the Commissioners he is a General Surgeon, related information of a medical emergency which occurred on a Sunday night and to which he was called to give assistance to the patient at St. Louise. He related that the scenario he told illustrated the vulnerability of patients suffering medical emergencies in this area. He wants to help to have the “building made to bring assistance to the sick and injured”.

Tabonga Katunga,, 804 S. 12th St., San Jose, read a letter from Pastor and Mrs. Fenn of the Family Center in Morgan Hill who support the SJCC proposal.

Rick Dresser, 17400 Serene Dr, told the Commission he is the owner of BellWest Electronics. He said he doesn’t feel threatened by 400 SJCC students. He believes the students will bring revenue to the Town. He stated the plan appears to be good; a Christian College would be best for the area. He said there would be traffic problems, but those must be addressed in terms of 101.

Wendell A. Mitch, 715 San Ramon Ct., identified himself as a real estate financier. He said he is very much in favor of the College coming here. He is also in favor of the hospital. He spoke of a local clinic which he visits. He believes a better health facility could be built

in conjunction with the clinic. He supports the College. If a clinic was built in a proper way, he believes it would receive much use.

Kit Greenberg, 15850 Jackson Oaks Dr., to whom Rose Esparza, Pearl Gonzalez, and Marie Skenner yielded their time, addressed the Commission. She said she was representing those who had yielded time to her, herself, and the Citizens of the Morgan Hill Health Care Alliance. She perceives the proposal to be a total disaster. "It would bring total, uncontrolled growth and be a huge tax burden. This proposal would take the only hospital site in the City and replace it with a school, providing no business nor services for Morgan Hill." She said the SJCC will pay no taxes; that local residents and businesses will pay for the SJCC presence in the community. She spoke of loss of housing allocations due to increased population, all of which would be students. She disputed the accreditation claim of the College, noting the CSUMonterey Bay has been in existence for two years, and accreditation had been applied for shortly after the time of the creation of CSUMB. While the initial process for accreditation is lengthy, it is not uncommon for a school or college to be awarded a six-year accreditation. Thus, Greenberg noted, SJCC cannot have the same status as CSUMB as SJCC has indicated SJCC has been in existence for several years. Further, she said the city loses control of population growth if the proposal is adopted. She does not believe the SJCC will be invested in the community. She reiterated the City would lose control of population growth under Measure P if the proposal is permitted to move forward. She believes "a proposal is in hand to provide healthcare to the community". She reminded the Commissioners they have an obligation to find the highest and best use for the property for the citizens of the area.

Allen K. Orr, 6542 I Cottonwood Circle, Dublin, CA, said he commutes to SJCC and is happy with the atmosphere of the College and the education being obtained. He indicated a hope to serve the community, and continue service to the community.

Pat Akins, 16475 Vineyard, addressed the Commission, saying he is a business owner and Pastor of Church of the Rock. He indicated delight in "seeing democracy in action in the room tonight". He believes the hospital is a dead issue. He agrees traffic is a problem. He urged Commissioners to look at a similar College in Scott's Valley which proves students will utilize local business. He believes the SJCC brought the property in good faith and the proposal is a sound one.

Rod Murray, 17635 Crest Ave., addressed the Commission, reading from an e-mail letter from the Mayor of Riverside to the Mayor of Morgan Hill, in which he indicated that the City of Riverside had several Colleges, including private ones. The communication indicated successful assimilation of students into the community there. Murray said he, too, supported the proposal. He noted that even though Morgan Hill has 650,000 sf of empty commercial property, the City had been unable to recruit a medical facility.

Commissioner Pinion stated that when he had received a copy of the e-mail, he had tried to contact the Mayor of Riverside for further information, but had not received a reply to his (Pinion's) e-mail. He also noted that the copy he had received had no letterhead, no name, no address nor phone.

Laura Goddard, 15225 Pratola Ct., supports the proposal, telling the Commission the

Town will benefit from a private school. She urged the Commissioners to take a close look at the zoning request and be positive.

Don Sweet, 275 Veranda Ave., said Riverside was a large City, noting the medical facilities available in that area and stating there are no medical facilities here. He said that as a Senior Citizen, he and others in the mobile home park where he lives are very concerned and need medical coverage.

With no further requests to speak, the public hearing was closed by Chair Kennett.

Noting a letter had been received from Commissioner Sullivan who was absent, the Chair directed the Clerk to read the letter into the record. Commissioner Sullivan indicated her concern with the current approach that the proposal if adopted, “allow the College to go forward as if the eventual rezoning of the entire site were a done deal”. She noted that the City is still in the process of evaluating the preferred use of the site, citing the potential work of the Task Force and saying that action now by the Planning Commission would be premature. Commissioner Sullivan disclosed her preference to have a comprehensive site and use plan before a decision-making process is concluded, as has been the practice of the Commission previously. She said she would have no hesitation in suggesting the agenda item either be continued or denied until more information is received.

Discussion by Commissioners and Staff: Commissioner Pinion said it is important to protect property values of the surrounding area. He spoke of the issue of the comprehensive plan of the PUD; if approval is given for rezoning as proposed, the City will lose control of governing the area. He declared that there is a duty to know the ultimate plan build-out of the property. He asserted this would be easy for the College to do. He stated he would prefer to wait for the comprehensive plan, and that it should be a PUD.

Commissioner Ridner said it is time to set aside the merits of the hospital versus the College; based on current and previous zoning, the College is permitted with the PUD. He indicated he is comfortable with the staff report, noting that no other firm uses have been proposed at this time which have a concrete basis. Commissioner Ridner said that clearly the strategic decision rests at the City Council level; the Planning Commission should look only at the conditional use(s) permitted by the General Plan. Referencing the traffic reports, he noted that maybe the public criticisms are best dealt with by the Council for appropriateness. He agreed that it is unfortunate that the Commission doesn’t have the ability to review all the information at present. He understands that all issues are difficult, but the commission can only look at the zoning, and he wants to take action tonight.

Commissioner Lyle stated he is of a “mixed mind”; he feels the Commission hasn’t had all the information - and has received conflicting information, so it is hard to assess the feasibility of a hospital. He also indicated there is a need to protect impact fees, restrict traffic and parking. He spoke of the importance of incorporating mitigating Section 2 of the Zoning Ordinance.

Commissioner Mueller commented he agreed with Commissioner Ridner that the Planning Commission must look at the issues only from a land use perspective. He believes a

hospital will certainly be needed in the future, that there is a need to look at the Primary Care issues at the present time, and it would be premature to get rid of the site which is currently designated as a hospital. He feels strongly there is a need to wait for the Task Force report. Commissioner Mueller also said the Primary Care base in the area appears to be rapidly deteriorating, and that his concern is that not all the data has been received yet. He indicated when that information is received, the Commissioners can make an intelligent decision. He further indicated he hates to put the College in the position of having to wait; he stated the site is good for the College. However, he said, the application is not complete, as there is a need to see what sports fields are needed and so on. Commissioner Mueller said there needs to be consistency in information - the Commission needs to understand the long-term plan for medical care in Morgan Hill as well. Therefore, he stated that "We should delay this and do some work until the Blue Ribbon report comes in."

Commissioner McMahon commented that nothing is operating at the hospital site except the Cancer Center and traffic is bad. But, she added, traffic will be bad no matter which plan is selected. She indicated she feels strongly that she doesn't want to make a decision without all the facts. Commissioner McMahon called attention to the Catholic Healthcare sale of the facilities to SJCC, wondering if the potential Attorney General's investigation might cause some apprehensions about the legality and lawfulness of the transaction. She indicated she had many concerns of the deed restriction contained in the sale of the facilities. She said further information needs to be gained on many issues, particularly the sale. She recommended delaying the application rather than running into trouble later.

Chair Kennett indicated similar feelings to Commissioners McMahon and Mueller. She added that the projected population growth, coupled with the lack of future plans for the development concerned her very much. She asked whether parking and staff/student structures had been sufficiently addressed? She proposed that to delay action now would be proper. Chair Kennett said she, like some of the other Commissioners, is unclear as to the legal issues of the sale but doesn't want to continue now if there are unresolved legal issues, as in the potential investigation proposed by the Attorney General's office. She believes the quality of life in the community is very important and prefers to delay a decision as all information is not currently available.

Commissioner Pinion reminded the Commission members that some items are necessary for an amendment to precise development plans under existing PUD zoning, indicating that there is a requirement for public welfare plus agreement with the provisions of the General Plan. He further stated that there is not enough information regarding potential traffic increases; could a hospital generate less traffic than the College? Or is traffic which is external to Morgan Hill accelerating the problem of the College and its' potential traffic? He also indicated he feels strongly that SJCC should quickly study a name change, to distinguish between San Jose and Morgan Hill; such action is a recommendation for a "good will gesture" only and would not be a requirement of a zoning action by the Commission nor the City.

At this time, Chair Kennett observed that she wanted to thank all the audience for the good behavior exhibited during the evening.

Commissioner Lyle said he still feels that there is a need for specifics and the Commissioners have the ability to lay the groundwork for good decision-making. He feels the Commissioner needs to identify what the issues are that need to be solved.

Commissioner Pinion said it is important to wait for the Blue Ribbon Task Force to do their work. He also said it is important for the College to develop and deliver plans for the gym and the entire build out.

Commissioner Mueller noted the report is due to the City council in December. He recalled that a PUD proposal had been often requested from the hospital in the early days of development and that it had not been readily forthcoming. He noted that because of those issues the neighbors were very concerned now, and as a result of the prior delays in obtaining firm information, the Planning Commission has demanded total plans for a long time.

CA Leichter agreed that there were some potential legal issues. She explained the grounds for continuance(s), noting that such delay were subject to the rule of reasonableness; therefore, if long delays were an issue, the law provided that the matter could be sent directly to the City Council. When asked about reasonableness of time, she replied that the matter could be continued by the Planning Commission for five or six months, depending on the issues raised and the reasons for the issues. CA Leichter told the Commissioners that issues raised in Commissioner Sullivan's letter appeared to be bonafide and therefore supportable.

Commissioner Mueller commented that the validity of the traffic study might be questionable as June is not the best time to conduct a traffic study in the City, particularly in that area; the High School is out for the summer and that can skew the study; more information as to actual traffic volume is probably needed. He also said he had heard of a proposal that the High School was considering putting a parking lot with an entrance at Half Road, behind the football field and exiting on the other side of the stands, this being a one-way drive through the parking lot. Consequently, there may be a need to look at the impact of that proposal on traffic. Commissioner Mueller said he wondered if the study by staff should have included data from Madrone Business Park, this information being less than two years old with a high validity.

Commissioner Ridner said if staff is to do further analysis, the Commission needs to give specific recommendation as to what they want to see. He questioned that since there was uncertainty on what the findings and presentation of the Blue Ribbon Task Force might be, whether complete information was available presently to ensure decision making on facts which are not presently available.

Commissioner Lyle stated he is still concerned with the inconsistencies in the traffic reports. The numbers of traffic which the College will generate may affect some mitigation issues, but he is not willing to turn the project down just for that reason.

Regarding the negative declaration, Commissioner Mueller said the Commission can act on both items contained in the negative declaration. He noted that the time factor concerned him in receiving the report from the Blue Ribbon Task Force. He recognized

the Commission usually cancels one meeting in December and reiterated his concern to receive all pertinent information before making a decision. He feels strongly that the Planning Commission has a duty in the custodianship of the General Plan and that the Task Force report is needed. He stated that the decision must be kept to land use, but need to look at all issues.

Commissioner Pinion asked if there is a possibility of continuing the matter until January?

CA Leichter said the Task Force report is due to the Council either December 20 or 21st, so late January for the Planning Commission to reconsider the item is logical. She said the matter can be continued to a date certain or tabled until the staff report is complete. She noted there are a lot of different issues; in the matter of the traffic report, the staff can consult with the providers of the reports. In response to a question from Commissioner McMahon, CA Leichter said she was in communication just this date with the Attorney General's office concerning that Office's jurisdiction in such matters and she expects to have an answer within the week. She also reported that the communication from the office indicated personnel there feel confident that an investigation will occur.

Commissioner Mueller says he doesn't feel comfortable at this time being asked to vote on such an important issue with limited information especially when questions regarding traffic generated by the project and any future proposals for health care deliverance systems from the Blue Ribbon Task Force, these being two issues which deserve extensive consideration. He indicated he would prefer a continuance to January.

Commissioner Pinion noted the matter can be brought back to the Commission as soon as the information from the Blue Ribbon Task Force and the applicant is received.

Commissioner Mueller stated there is a need for consistency in the Planning Commission's process of work, noting that when working initially with the hospital in asking for plans, local citizens, elected officials and the medical community had been diligent in working to obtain all answers possible to ensure the highest and best information for good decision making.

Commissioner Pinion expressed his desire to obtain all the facts possible, including the report from the Blue Ribbon Committee and answers to the traffic issues raised tonight before locking in a decision. Other Commissioners echoed this feeling, saying the responsibility to make credible decisions on land use issues and development in the City is crucial to the integrity of the planning process and that all available information must be gathered in order to ensure their responsibility is met.

COMMISSIONERS MUELLER/KENNETT MOTIONED THAT THE MATTER BE CONTINUED TO THE FIRST COMMISSION MEETING IN JANUARY, 2001. THE MOTION FAILED 3 - 3, WITH KENNETT, McMAHON, AND MUELLER VOTING AYE; AND LYLE, PINION AND RIDNER VOTING NO; AND SULLIVAN ABSENT.

COMMISSIONERS PINION/McMAHON MOTIONED THAT

THE MATTER BE TABLED INDEFINITELY. THE MOTION PASSED 4 - 2, WITH KENNETT, McMAHON, MUELLER, AND PINION VOTING AYE; AND LYLE AND RIDNER VOTING NO; AND SULLIVAN ABSENT.

Proponent DeYoung requested he be allowed to ask a procedural question of the City Attorney: When and how could an appeal be made? The Attorney replied that appeals can be made to the City Council.

**2. ZA-00-12:
CITY OF MH-
SIGN
ORDINANCE**

A City-initiated amendment to Section 18.76.240(L) of the Municipal Code, the Sign Ordinance, to allow exceptions to the maximum letter height for building attached signs in the City’s Residential Zoning Districts. PM Rowe presented the Staff report, providing a brief history of the sign Ordinance as it regards Churches and schools. He noted that the present height limit of 18-inches has caused some concern of the affected entities. The administrators, officials and members of the organizations feel there a lack of proper identity of the services available, as the public is not able to easily read the information provided from a distance. It has been indicated that if the lettering were larger, the organization’s message and mission would be easier to discern. He noted that the major source of concern was found in subsection L, which addresses institutional use, and might be more clearly understood if the reading reflected institutional facilities.

Chair Kennett opened the floor to public comments. There being none, Chair Kennett closed the public hearing.

Commissioner Pinion asked if the purpose of the proposal was to make signage equivocal to commercial use? He further asked if there was a need to have signs “toned down” in predominately residential areas? PM Rowe pointed out that according to the proposal, 24-inch lettering would be the maximum allowed. Commissioner Pinion asked if perhaps the Ordinance should be changed rather than just concentrating on the size of the lettering? PM Rowe responded that the proposed change had resulted from requests by the Pastor of the Baptist church, who want to “legalize” the Church’s sign which was 2-inches over the legal limit and consequently out of compliance. He noted that the matter had been taken to the City Council with that body directing Staff to go back and make any recommendations for change.

Commissioner Lyle remarked there is a need to include signs for institutions as well. He also stated that the window sign ordinance needs to be revisited.

RESOLUTION NO. 00-53 WAS MOTIONED FOR APPROVAL BY COMMISSIONERS MUELLER/McMAHON. THE RESOLUTION RECOMMENDS CITY COUNCIL APPROVAL OF AN AMENDMENT WHICH WOULD RAISE THE LIMIT OF LETTERING ON SIGNS TO 20-INCHES, AND PROVIDE PLANNING DEPARTMENT STAFF WITH THE ABILITY TO GRANT INCREASES OF 2-INCH INCREMENTS IN THE LETTERING OF SIGNS NOT TO EXCEED 24-INCHES, FOLLOWING STUDY OF SPECIFIC REQUESTS/APPLICATIONS. THE MOTION CARRIED 6-0, WITH SULLIVAN ABSENT.

ANNOUNCEMENTS:PM Rowe informed the Commissioners that the City Council would be returning the Stoddard Urban Services application to the Commission, as additional information has been received which the Council wishes the Commission to review

ADJOURNMENT: There being no further business, Chair Kennett adjourned the meeting at 11:30 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON
Minutes Clerk

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